



U.S. Army Corps
of Engineers
Buffo District
CELRB-TDR

Public Notice

Applicant:
**The Wetland Trust
(Owasco Headwaters Preserve
and Baker Fen)**

Published: May 17, 2021
Expires: June 16, 2021

Application No: LRB-2021-00311 & LRB-2010-00963
Section: NY

All written comments should reference the above Application No. and be addressed to:

Attn: Susan L. Baker
US Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT THE WETLAND TRUST HAS PROPOSED MITIGATION SITES (OWASCO HEADWATERS PRESERVE AND BAKER FEN) TO BE INCORPORATED INTO THEIR IN-LIEU FEE MITIGATION PROGRAM (ILFP). A MITIGATION PLAN HAS BEEN RECEIVED FOR THESE SITES PURSUANT TO 33 CFR 332 AND 40 CFR 230. THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE ESTABLISHMENT OF THE PROPOSED MITIGATION SITES AND THE MITIGATION PLAN. AUTHORIZATION UNDER SECTION 404 OF THE CLEAN WATER ACT MAY BE REQUIRED FOR THE DISCHARGE OF DREDGED AND/OR FILL MATERIAL IN WATERS OF THE U.S. RESULTING FROM CONSTRUCTION OF THE MITIGATION SITES. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THIS MITIGATION SITES WILL BE APPROVED.

APPLICANT: The Wetland Trust Inc., 4729 State Route 414, Burdett, NY 14818

LOCATION: Owasco Headwaters Preserve is located along Hile School Road in the Town of Dryden, Tompkins County, New York (Coordinates: 42.5347, -76.3476)

Baker Fen is located approximately 5 miles northeast near Gracie Road and next to Lime Hollow Nature Center in the Town of Cortland, Cortland County, New York (Coordinates: 42.56165, -76.25203)

BACKGROUND: Under Section 404 of the Clean Water Act (CWA), applicants requesting Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted wetland losses by establishing, restoring, enhancing, or in exceptional circumstances, preserving wetlands. One method of fulfilling this obligation can be to purchase advance credits from an approved ILFP. The establishment and use of an ILFP mitigation site must be in accordance with the ILFP

instrument signed by the Interagency Review Team (IRT). The IRT is comprised of the U.S. Army Corp of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the New York State Department of Environmental Conservation, the New York City Department of Environmental Protection, and National Oceanic and Atmospheric Administration Fisheries. The Wetland Trust ILFP was approved in October 2014 and is authorized to provide wetland mitigation via sale of advance credits in thirteen service areas within the State of New York, including the Finger Lakes Service Area (USGS 8-digit Hydrologic Unit Code 04140201).

To date, a total of 2.725 advance wetland credits have been sold in the Finger Lakes Service Area.

SITE DESCRIPTION: The Owasco Headwaters Preserve Site consists of four parcels. Parcel 1 (77.2 acres) has a mix of existing wetland and active agricultural fields. Parcels 2 (51.92 acres), 3 (24.46 acres), and 4 (44.08 acres) include a mix of forested, shrub, and herbaceous wetlands and uplands. The Owasco Inlet flows north through Parcels 2 and 3 to Owasco Lake.

The 4.76-acre Baker Fen Sites lies in the headwaters of Fall Creek that drains to Cayuga Lake. The Baker Fen Site consists of 1.83 acres of rich sloping fen (wetland) and upland buffer.

PROJECT DESCRIPTION: Preservation of the Owasco Headwaters Preserve Site and Baker Fen Site would be accomplished via the recordation of a conservation easement. The proposed activities at the Owasco Headwaters Preserve Site would include: re-establishment of 3.45 acres of forested wetlands, rehabilitation of 1.04 acres of forested wetlands, preservation of 107.06 acres of wetland, rehabilitation of 13.24 acres upland buffer, establishment of 16.79 acres of grassland buffer, and preservation of 45.56 acres of upland buffer. Wetland re-establishment would be achieved through re-contouring the proposed wetland areas, compacting the mineral soil, and planting. Invasive species control would be applied throughout the site.

The proposed activities at the Baker Fen Site would include rehabilitation of 1.83 acres of emergent wetland and preservation of 2.93 acres of upland buffer. Specifically, a deer enclosure fence and invasive species control are proposed.

Wetland mitigation credit generation is proposed in accordance with the table below:

Site	Cover type	Mitigation type	Ratio	Acres	Credits
Owasco Headwaters Preserve	Forested wetland	Re-establishment	1:1	3.45	3.45
Owasco Headwaters Preserve	Forested wetland	Rehabilitation	3:1	1.04	0.35
Owasco Headwaters Preserve	Forested, shrub, and emergent wetland	Preservation	20:1	107.06	5.35
Owasco Headwaters Preserve	Upland Buffer	Rehabilitation	10:1	13.24	1.32
Owasco Headwaters Preserve	Grassland Buffer	Establishment	15:1	16.79	1.12
Owasco Headwaters Preserve	Upland Buffer	Preservation	20:1	45.56	2.278
Baker Fen	Emergent Wetland	Rehabilitation	2:1	1.83	0.92
Baker Fen	Upland Buffer	Preservation	20:1	2.93	0.1465
TOTAL				191.90	14.93

The entire Owasco Headwaters Preserve and Baker Fen Wetland Mitigation Plan, including site photographs, may be found on the Buffalo District's website along with this Public Notice:

<https://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/>

The plan includes the proposed mitigation work plan as well as other required mitigation plan elements. All portions of the plan are subject to review and approval by the IRT and Corps of Engineers.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification would be required from the NYSDEC in conjunction with the proposed establishment of this mitigation site.

HISTORIC AND CULTURAL RESOURCES: The New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) was reviewed for National Register listed properties at or near the proposed sites. No known eligible or listed federal historic properties or cultural resources were identified within the limits of the sites. The sites are not located within archeologically sensitive areas. Based on the information from the CRIS, the Corps has determined that the proposed activity would have no effect on any eligible or listed federal historic/cultural resources. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward the submitted information to the NYSOPRHP for their review.

THREATENED & ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers will consult with the USFWS to evaluate any potential impacts federally listed threatened and endangered species, and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat. Based on a search of the iPAC system, northern long-eared bat (*Myotis septentrionalis*) is the only listed species that might occur within the sites.

COMMENT PERIOD: Written statements received in this office within 30 days from the date of this notice will become a part of the record and will be considered in the determination. Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Susan Baker, who can be contacted at the above address, by calling (716) 879-4474, or by email at Susan.L.Baker@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

EVALUATION: After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by Department of the Army permits.

USACE is soliciting comments from the public; Federal, State, and local agencies and officials; American Indian Tribes; and other interested parties in order to consider and evaluate the proposed activity. All comments received will be considered by USACE during the formulation of the initial determination of potential for the proposed activity.

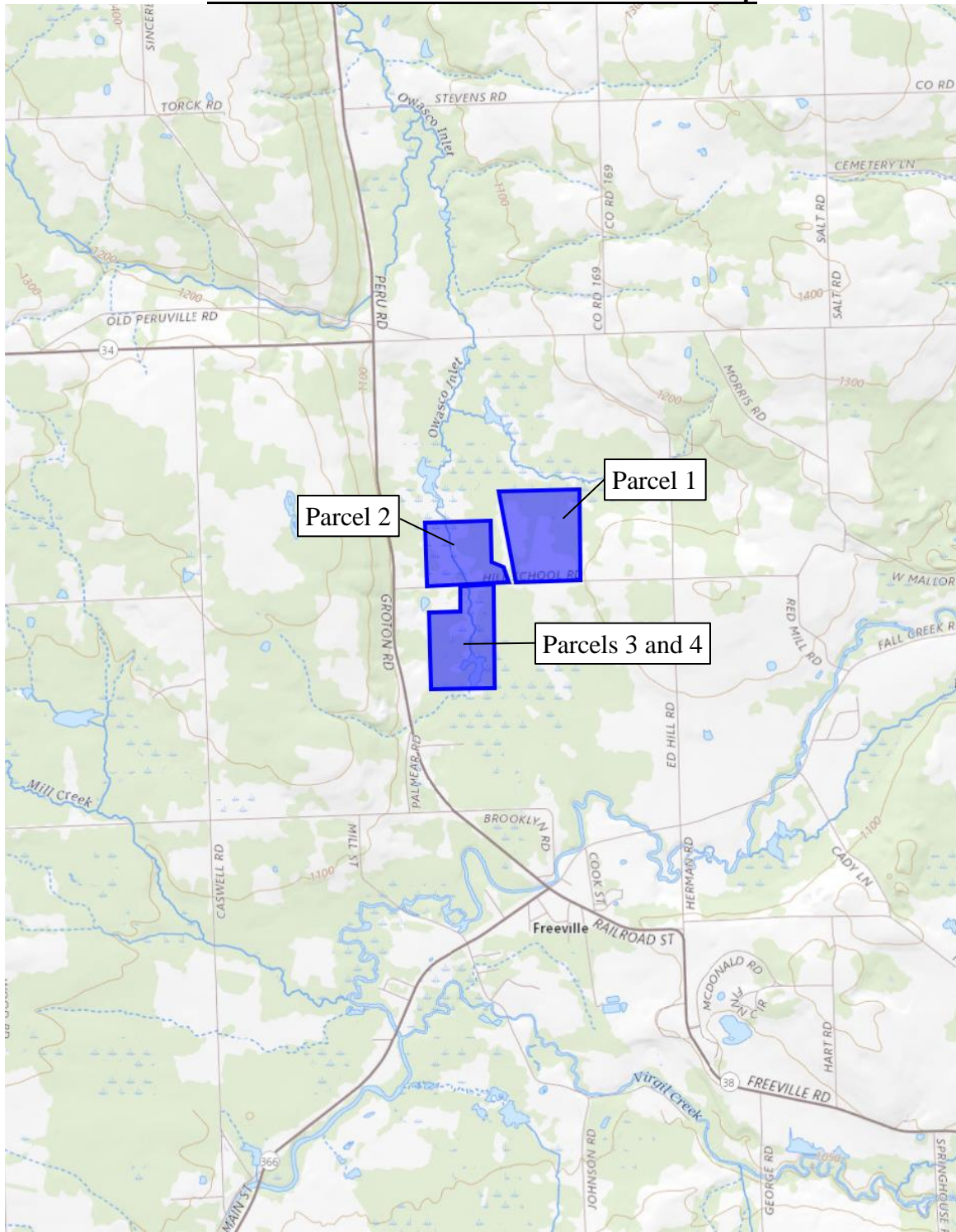
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

SIGNED

for
Steven V. Metivier
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for **30** days from the date of issuance.

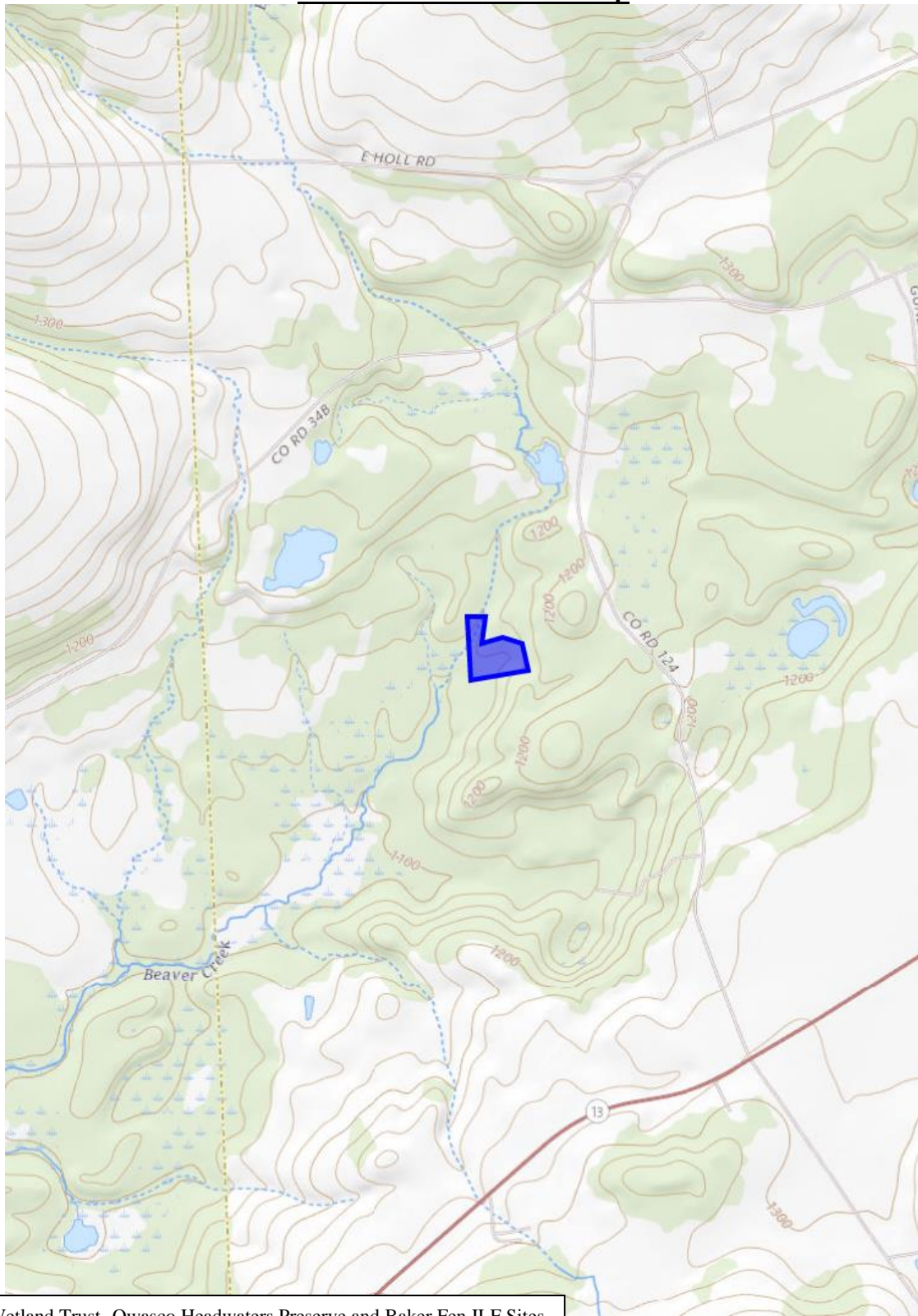
Owasco Headwaters Preserve Site Location Map



The Wetland Trust- Owasco Headwaters Preserve and Baker Fen ILF Sites
D/A Processing No. LRB-2021-00311 & LRB-2010-00963
Tompkins and Cortland Counties, NY
Quad: Groton, NY
Sheet 2 of 7



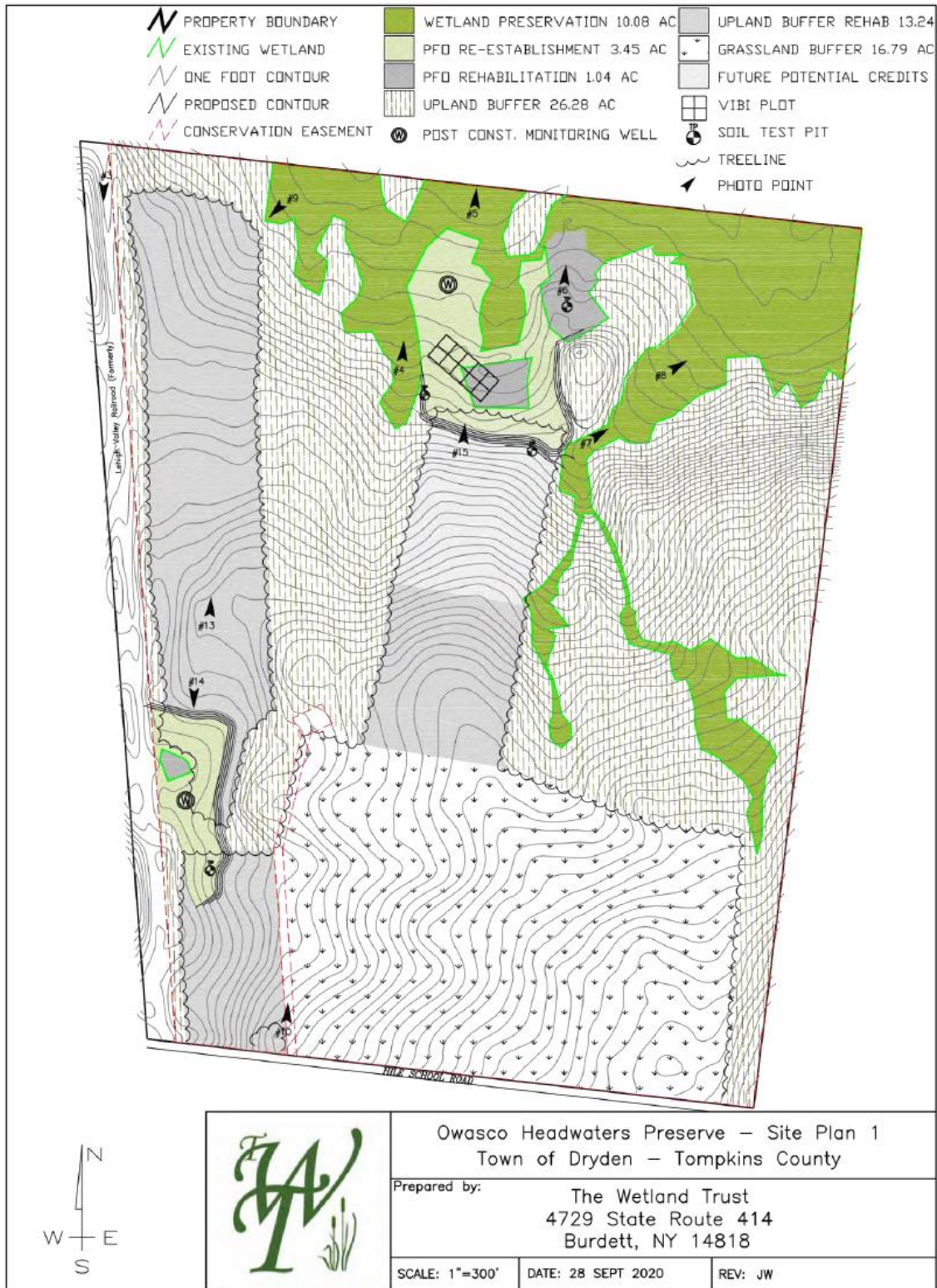
Baker Fen Site Location Map



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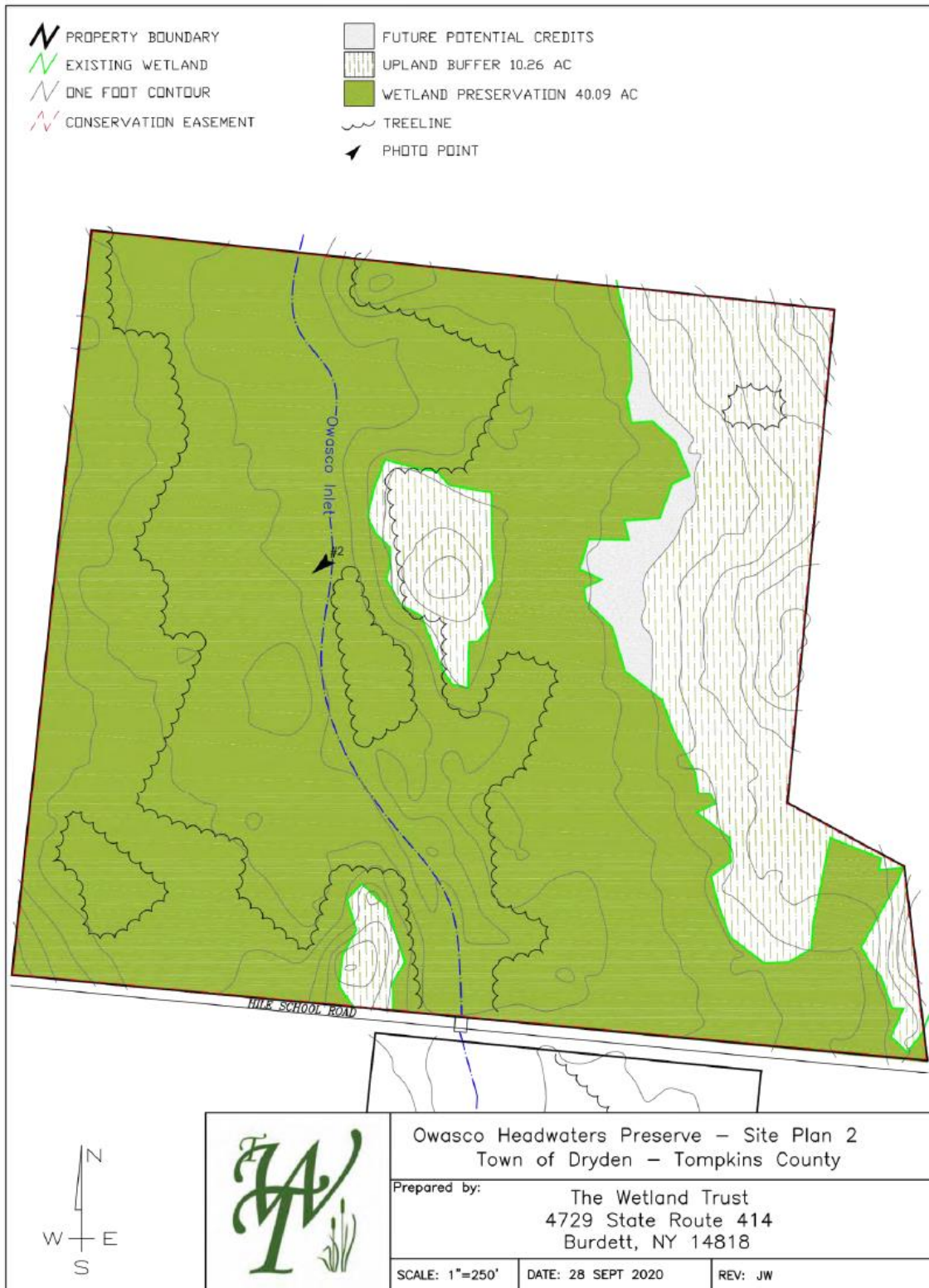
Owasco Headwaters Preserve Mitigation Plan: Parcel 1



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Owasco Headwaters Preserve Mitigation Plan: Parcel 2



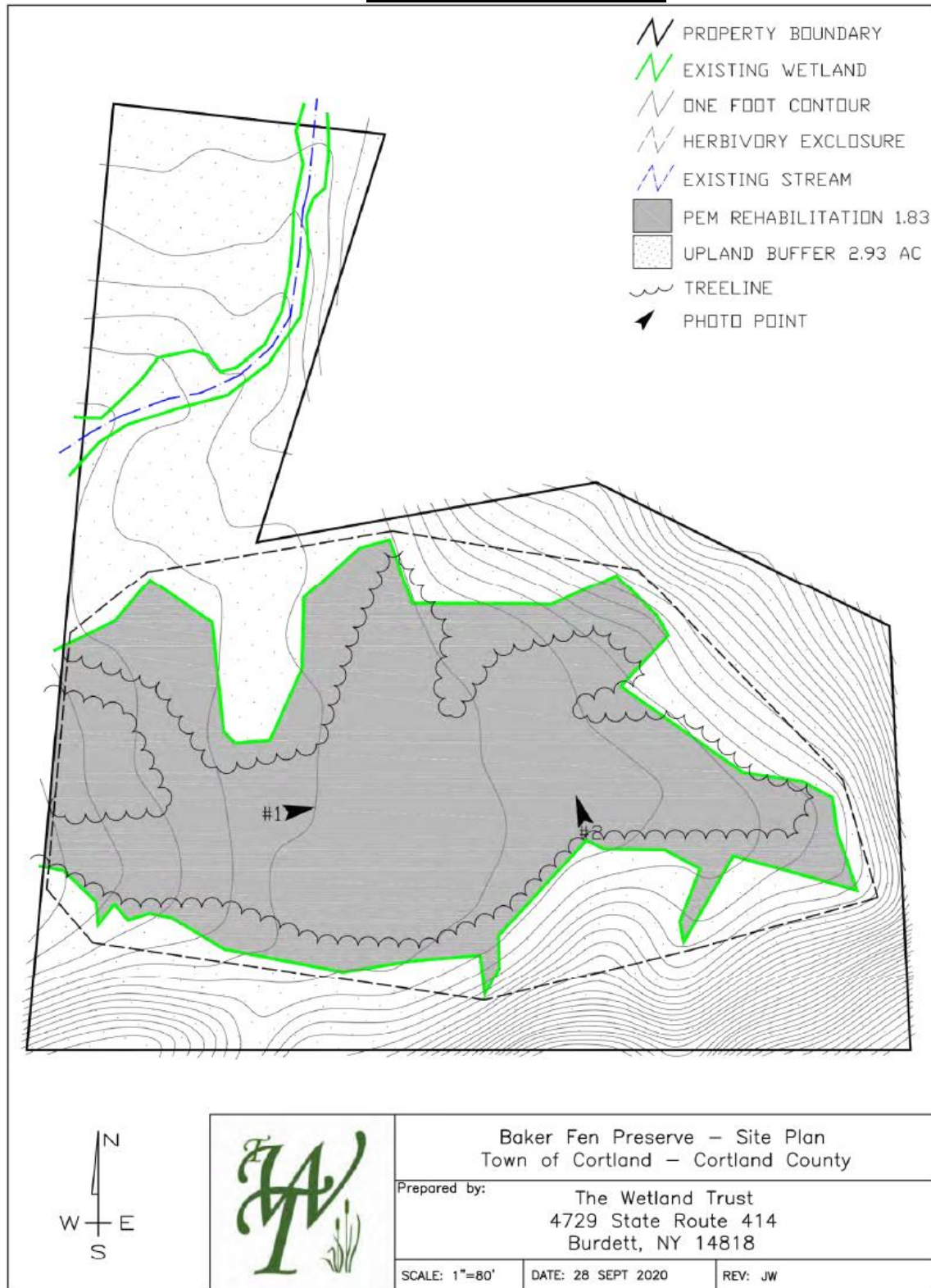
Owasco Headwaters Preserve Mitigation Plan: Parcels 3 and 4



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Baker Fen Mitigation Plan



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